

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

THERESA HOUSTON

PLAINTIFF

V.

NO. 1:23-CV-106-DMB-RP

**CITY OF COLUMBUS POLICE
DEPARTMENT**

DEFENDANT

ORDER

On September 6, 2023, United States Magistrate Judge Roy Percy issued a Report and Recommendation (“R&R”) recommending that Theresa Houston’s “complaint be dismissed for failure to state a claim on which relief may be granted.” Doc. #7 at 1. The R&R warned Houston that her “failure to file written objections to the proposed findings, conclusions, and recommendations ... within 14 days” would bar her from “*de novo* review by a district judge” or appellate review except on plain error grounds. Doc. #7 at 4. No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a *de novo* determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Quintero v. State of Texas – Health and Hum. Servs. Comm’n*, No. 22-50916, 2023 WL 5236785, at *2 (5th Cir. Aug. 15, 2023) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017) (citation omitted).

Because the Court reviewed the R&R for plain error and concludes that the R&R is neither

clearly erroneous nor contrary to law, the R&R [7] is **ADOPTED** as the order of the Court. This case is **DISMISSED without prejudice**. A final judgment will be issued separately.

SO ORDERED, this 22nd day of September, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE